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SIPDIS

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TAGS: [PREL](#) [MOPS](#) [PARM](#) [JA](#) [PINR](#) [NATO](#)

SUBJECT: CLUSTER MUNITIONS: JAPAN STILL WORKING CCW AND
OSLO PROCESS

Classified By: Ambassador J. Thomas Schieffer. Reasons 1.4 (b) and (d).

¶1. (S) SUMMARY: Japan still expects to sign the Oslo Convention banning cluster munitions (CM) on December 3, Ministry of Foreign Affairs Deputy Director-General Asahiko Nakajima told Political-Military Affairs Bureau Deputy Assistant Secretary of State Ganyard on September 10. At the same time, Japan will continue to cooperate with the United States to reach consensus on a binding protocol on CM during the November meeting of the Convention on Conventional Weapons (CCW). Japan still views Article 21 of the Oslo Convention as allowing USFJ operations, including transport and storage, involving CM. However, Japan is very concerned that when the public learns of the UK request to the United States to remove CM from its territory, the Government of Japan will face domestic political pressure to follow suit. Even more worrisome is a potential ruling by the UK Attorney General that the Oslo Convention legally compels this request by the UK, as this could undermine the Japanese Government's legal interpretation of Article 21. DDG Nakajima asked DAS Ganyard to provide a continual flow of information on interactions with the UK on this issue. DAS Ganyard thanked Japan for its efforts to protect U.S.-Japan interoperability, agreed with the need for cooperation at the CCW and said he would keep Japan informed of the discussions with the UK.
End Summary.

Oslo Convention

¶2. (S) Japan anticipates signing the Oslo Convention banning CM on December 3, MOFA Disarmament, Non-proliferation and Science Department and Foreign Policy Bureau Deputy Director-General Asahiko Nakajima told State Department Bureau of Political Military Affairs Deputy Assistant Secretary for Plans, Programs and Operations Stephen T. Ganyard during a September 10 meeting that included representatives from U.S. Forces Japan (USFJ) and the Ministry of Defense. The Government of Japan is studying how to destroy its existing CM stockpiles and what alternative systems to purchase to fill the capability gap. Japan still views Article 21, Paragraph 3, of the Oslo Convention as the

legal basis for allowing unhindered continuation of USFJ operations involving CM, including transport and storage by the Japan Self Defense Forces and private Japanese entities, DDG Nakajima said. DAS Ganyard thanked DDG Nakajima for Japan's efforts during the Oslo Process to protect U.S.-Japan armed forces interoperability and the ability of the United States to employ CM in the defense of Japan.

Convention on Certain Conventional Weapons (CCW)

¶13. (S) DDG Nakajima said significant progress was made at the fourth CCW Government Experts Meeting in Geneva and called for continued cooperation with the United States, especially on negotiations over Article 3 and Article 4. It is important to Japan, and for the CCW's credibility, that consensus is reached on a strong, legally binding protocol on CM during the next round of meetings in November. Two groups are obstacles to this conclusion -- one is the Oslo core group of nations, who feel the CCW waters down the Oslo Convention language, and another is a group led by Russia and China. DDG Nakajima said Russia's concerns with a protocol on CM are more financial than military, as Russia is looking at the high costs over 13 years to dispose of its CMs and to buy alternative systems. However, Russia's representatives seem to have taken a more reasonable line during recent discussions at the CCW, DDG Nakajima observed, so perhaps Russia could be moving closer to Japan's position. DASD Ganyard said the United States looks forward to continued cooperation with Japan in the CCW to develop a protocol that includes the right balance between the military necessity and the humanitarian concerns associated with CM.

UK's Request to United States to Remove CM

¶14. (S) DDG Nakajima asked DAS Ganyard for an update on U.S. discussions with the UK over the removal of U.S. CM from UK territory. Japan is particularly concerned with the method of notification, because if the UK request becomes public, the Government of Japan will face domestic political pressure to follow suit. Japan hopes the UK request, U.S.-UK discussions and follow-on actions will be kept as low key as possible. This will help limit the possibility that Japanese politicians, NGOs and the general public will loudly call on the Government of Japan to make the same demand of the United States, DDG Nakajima said.

¶15. (S) DAS Ganyard said he understands Japan's concern and expressed disappointment with the UK decision to ask the United States to remove its CM from the British Isles within 10 years. DAS Ganyard said he would make clear to the British that the decision affects the U.S. ability to cooperate with, defend and otherwise meet treaty obligations to its other allies. When he visits London in the coming weeks to negotiate the process and language of the official written notification, expected to be a letter from Foreign Secretary Milliband to Secretary Rice, he would urge the UK to keep the issue as low profile as possible. However, as the UK is bowing to domestic political and NGO pressure in taking this action, HMG will likely feel compelled to publicize its actions.

¶16. (S) DAS Ganyard said he expects the letter to the United States to reflect an upcoming ruling by the UK Attorney General on how binding the Oslo Convention is on the UK. DDG Nakajima expressed strong concern that a ruling that the Oslo Convention makes it illegal for U.S. CM to be stored in the UK will undermine the Government of Japan's interpretation and explanation that Article 21 legally allows USFJ to store CM in Japan. DDG Nakajima requested a continual flow of information from and coordination with the United States regarding its interactions with the UK that could have critical ramifications on operations of the U.S. military in Japan.

U.S. Operations Involving CM

¶7. (S) DDG Nakajima said he expects the Diet, during its deliberation on the Oslo Convention, to ask questions regarding the U.S. military's planned use of CM. The key question will be whether the United States would drop CM on Japanese soil. The public and the Diet would accept that the U.S. military would use CM against North Korea to defend Japan, but would have a much harder time accepting the usage of CM on Japanese soil, according to DDG Nakajima. DAS Ganyard suggested that the responses focus on the legitimate military necessity of CM for the defense of Japan, that any U.S. employment would be at minimal levels to get the job done, and that over the next ten years the United States will ensure that its CM stocks have less than a one percent unexploded ordinance rate.

¶8. (S) COMMENT: Within the ruling Liberal Democratic Party (LDP), there is an influential group of Diet members who are vocally against CM. The Japanese government went out on a limb by supporting the inclusion of Article 21, and while committed to ensuring U.S. CM remain in Japan, it faces a tough time defending this decision against these and other forces in the Diet. When the UK announcement becomes public, we can expect loud voices, on both sides of the aisle, to state that if the UK, the premier ally of the United States, has asked the United States to remove CM, there is no reason for Japan not to do the same. To counter this, Post recommends a regular flow of information to Japan regarding talks with the UK to allow MOFA and MOD, in coordination with post and USFJ, to start formulating Diet strategies.

¶9. (S) Bio information: DDG Nakajima, born on December 3 (year unavailable), speaks excellent English.

¶10. (U) This cable as been cleared by DAS Ganyard.
SCHIEFFER